

1  
2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
8

9 DENNIS K. SADBERRY,

10 Petitioner,

3:17-cv-00112-LRH-WGC

11 vs.

**ORDER**

12 ISIDRO BACA, *et al.*,

13 Respondents.  
14 \_\_\_\_\_/

15 On February 21, 2017, Dennis K. Sudberry, who is apparently a prisoner at the Northern  
16 Nevada Correctional Center, submitted for filing a petition for writ of habeas corpus (ECF No. 1-1)  
17 and what appears to be a financial certificate meant to support an application to proceed *in forma*  
18 *pauperis* (ECF No. 1-2).

19 Sudberry has not paid the \$5 filing fee for this action, and, while he submitted a financial  
20 certificate apparently meant to support an application to proceed *in forma pauperis*, he did not  
21 submit an actual application to proceed *in forma pauperis*. Furthermore, Sudberry's habeas petition  
22 is not on a form approved by the Court.

23 For these reasons, this case will be summarily dismissed, without prejudice to Sudberry  
24 initiating a new habeas corpus action in this court if that is his intention. If Sudberry wishes to  
25 initiate a habeas corpus action, he must submit a fully completed petition for writ of habeas corpus

26 ///

1 on a correct form, together with payment of the correct filing fee or an application to proceed *in*  
2 *forma pauperis* on a correct form and fully completed.


3 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice.

4 **IT IS FURTHER ORDERED** that petitioner is denied a certificate of appealability.

5 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

6 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send to petitioner, along  
7 with a copy of this order, two copies of the form for a petition for a writ of habeas corpus, and two  
8 copies of the form for an application to proceed *in forma pauperis* for a prisoner, and any available  
9 instructions regarding those forms.

10  
11 Dated this 17th day of March, 2017.

12  
13   
14 LARRY R. HICKS  
15 UNITED STATES DISTRICT JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26